



KNOW *the* **LAW**

A Guide for Youth and Parents

A Collaborative Project of **LAKE COUNTY SHARED SERVICES NETWORK**

TO THE YOUTH OF LAKE COUNTY...

This guide is provided for you in the hope that it will be of value to you, and your parents or guardians. You can make good decisions if you know and understand the laws and consequences that apply to you. By the same token, a wrong decision may cause grief and unhappiness for you and your family. When making decisions about your behavior, take time to consider the law and weigh the consequences before you act. "Ignorance of the law" is NEVER an excuse.

As a member of society it is important to know your rights, privileges, and responsibilities. Knowing the law helps you to understand your rights and privileges as you meet your responsibilities. You must accept responsibility for your actions because it is you alone who commits those actions. Your friends and family are not responsible for your behavior.

The law is complex. While this information was developed for you, it is only a guide. You should check with law enforcement officials or attorneys for specific information. Laws change over time. This guide reflects current Florida statute information at this time. Our hope is that the information provided in this guide will help you make better decisions.

Lake County, Florida
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ACKNOWLEDGEMENTS

This publication was originally produced in 2002 by Santa Rosa County and revised in 2004 by Lee County. While every attempt has been made to include current, accurate information about the law, it is intended only as a guide. Information included is not intended as an authoritative interpretation of the law. Readers should consult with law enforcement officials, the State Attorney's Office or an attorney for any specific questions about the law.

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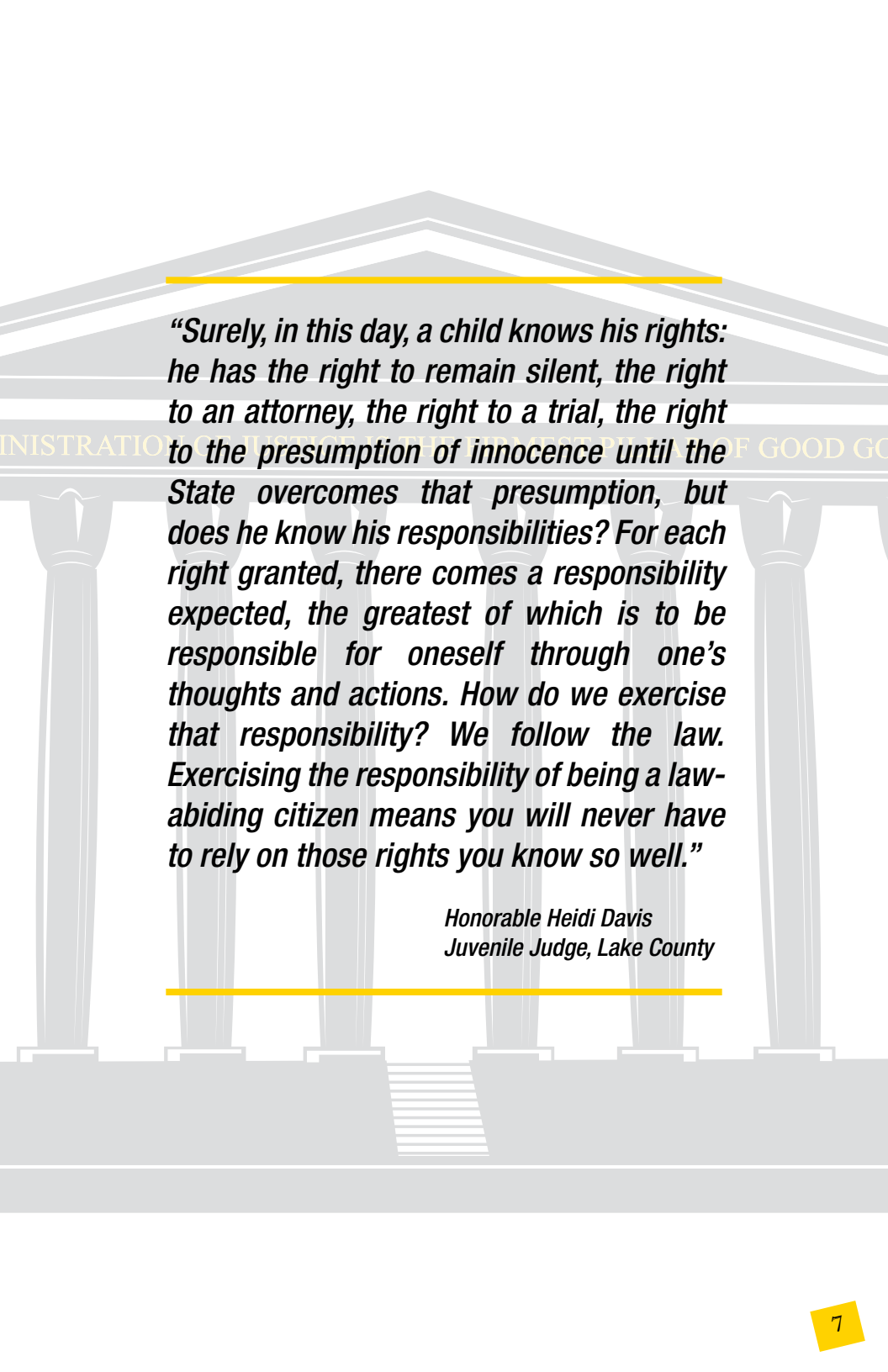
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“Surely, in this day, a child knows his rights: he has the right to remain silent, the right to an attorney, the right to a trial, the right to the presumption of innocence until the State overcomes that presumption, but does he know his responsibilities? For each right granted, there comes a responsibility expected, the greatest of which is to be responsible for oneself through one’s thoughts and actions. How do we exercise that responsibility? We follow the law. Exercising the responsibility of being a law-abiding citizen means you will never have to rely on those rights you know so well.”

*Honorable Heidi Davis
Juvenile Judge, Lake County*

CRIME DEFINED

What is a Crime?

When you do something that's against the law or you fail to do something the law says you must do, you have committed a crime.

Are All Crimes the Same?

No. There are two basic types of crimes:

1. **Felonies** are the most serious crimes. They can result in probation or MORE than one year in a commitment facility.
2. **Misdemeanors** are less serious than felonies. They can result in probation or commitment for UP TO one year. In Juvenile Court, the greatest penalty for a misdemeanor cannot be more than one year of confinement in a secure juvenile delinquency program.

NOTE: *In no case can a juvenile be committed for more time than an adult would serve for the same crime.*

DIRECT FILE

The state attorney in his/her discretion could charge a juvenile as an adult (direct file) if

- The juvenile is 14 years or older, and is charged with a violent felony.
- The juvenile is 16 years or older and charged with a felony. This can occur even if there is not a prior history.



DNA SAMPLES

Pursuant to Section 943.325, you will be required to submit to a DNA sample if you are found guilty of committing the following offenses (this is not an exclusive list):

- Sexual Battery
- Lewdness; Indecent Act/Exposure
- Carjacking
- Aggravated Child Abuse
- Robbery/Sudden Snatch
- Aggravated Manslaughter
- Any Forcible Felony (s.776.08)
- Any Violent 3rd Degree Felony
- Battery on School Staff
- Robbery
- Aggravated Battery
- Homicide/Murder
- Burglary
- Manslaughter
- Kidnapping/False Imprisonment
- Aggravated Abuse (Elderly Abuse)
- Battery on Law Enforcement Officer
- All Felonies included in Chapter 812, such as Grand Theft or Dealing in Stolen Property

PRINCIPAL THEORY

- You can get in trouble for a crime if you aid the main perpetrator committing a crime. Even if you help in just a small way, you can still be charged as a principal to a crime.
- A principal to a crime can get the same amount of punishment as the main perpetrator.

777.011 Principal in First Degree

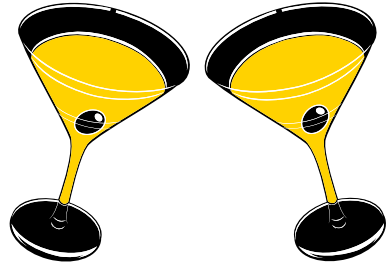
Whoever commits any criminal offense against the state, whether felony or misdemeanor, or aids, abets, counsels, hires, or otherwise procures such offense to be committed, and such offense is committed or is attempted to be committed, is a principal in the 1st degree and may be charged, convicted, and punished as such, whether he or she is or is not actually or constructively present at the commission of such offense.

NOTE: *A lookout or a getaway car driver in a store robbery would be examples, even though neither person ever enters the store.*

ALCOHOL

What Is an Alcoholic Beverage?

Any drink that has at least one half (1/2) of one (1) percent alcohol is an alcoholic beverage. Ethyl alcohol, the active ingredient in alcoholic drinks, acts as a depressant. There are four types of alcoholic beverages: beer, wine, fortified wine, and liquor. Each contains different amounts of alcohol.



How Is Drinking Alcohol Dangerous?

Drinking alcohol is dangerous for the following reasons:

- Damages your liver, mouth, esophagus, stomach, pancreas, brain, and heart;
- Causes Fetal Alcohol Syndrome in an unborn child, which can result in mental retardation;
- Impairs the brain, causes memory loss, and lowers the ability of the brain to control behavior;
- And impairs your ability to perform motor skills such as driving a car.

When Can I Purchase or Drink an Alcoholic Beverage?

You must be 21 years of age to purchase, possess, or drink alcohol. If you try to buy an alcoholic beverage in a store or a bar, you will be asked to prove your age. If you cannot prove that you are 21 or older, the dealer cannot sell you an alcoholic beverage (s.562.11).

If you are under age 21, it is illegal for you to attempt to purchase an alcoholic beverage. If you are 18 years of age or older and this is your first violation, you could be fined up to \$500, confined for up to 60 days or receive 6 months probation. If you are under 18 years of age you will face juvenile delinquency sanctions [s.775.082(3)(b)].

Anyone who sells or gives alcoholic beverages to a person under 21, or who lets the person drink alcoholic beverages in a bar or store, is breaking the law (s.562.11).

Other Laws on Alcoholic Beverages

In Florida, there is a zero tolerance for alcoholic beverages for anyone under age 21. If you are under age 21 you cannot

- Have an open container of an alcoholic beverage in a car, whether you are drinking or not, or drink while driving, or drive a car under the influence of an alcoholic beverage (s.316.193). An open container is defined as “any container that is immediately capable of being consumed from, or the seal of which has been broken,” meaning the container does not have to be open. Open containers must be carried in a locked glove compartment, locked trunk, or other locked non-passenger accessible area of the vehicle;

- Be drunk or under the influence of drugs in a public place or on a public conveyance, and cause a public disturbance (s.856.011);
- Possess, drink, sell, or give liquor to any person in or at any public school or school grounds. You can be suspended or expelled for this in addition to facing criminal charges;

Someone under 21 years of age who is found to be in possession of alcohol after being convicted of it once before can be sent to jail for up to one (1) year and pay a \$1,000 fine.

Can I Borrow a Driver's License or ID or Change the Age on Mine to Show I'm 21 or Older?

No. In both cases, you would be breaking the law.

NOTE: *It is illegal to use someone else's identification (ID) to purchase alcohol and can result in charges for you and the person lending the ID.*

Driving Under the Influence (DUI)

If you are found to be driving or in physical control of a vehicle while under the influence of alcohol or drugs (to the extent your normal faculties are impaired), you are subject to arrest for Driving Under the Influence. The legal limit of blood alcohol for DUI conviction is .08 percent. Please note, you don't even need a blood alcohol sample of .08 to prove a DUI if it can be shown that the person was driving under the influence of drugs or alcohol with his or her normal abilities being impaired.

A court case can cost up to \$6,000 per incident. If you refuse to take a breath test for blood alcohol level your license will be suspended for one year. Also, your driver's license will be suspended if you are convicted of DUI. Usually misdemeanor DUI cases are handled in adult criminal traffic court regardless of the age of the offender.

Special Provisions for Persons Less Than 21 Years of Age

The Florida Statutes state [1(a)] it is unlawful for a person under the age of 21 who has a blood-alcohol or breath-alcohol level of .02 or higher to drive or be in actual physical control of a motor vehicle. That is generally one 12-ounce beer or one ounce of hard liquor or less for the average full-grown male under 21 years old. The less your body weight and the less you have had to eat, the greater your blood alcohol level. If you weigh less than the average full grown male under 21 years old, then you will reach the .02 level with less alcohol.

The driver's license suspension is both for a refusal to take the test and also if you take the test and have a blood or breath alcohol level of .02 or higher.

NARCOTICS/INHALANTS

Possession Without Prescription

Possession of a prescription medication without a prescription for that medication is a 2nd degree misdemeanor. This would include antibiotics, headache medication, and stomach medication — everything given by prescription. It is illegal to possess or share someone else's prescription medication.

This is not true for psychotropic drugs. Some psychotropic drugs are considered a controlled substance under the Florida Statutes Section 893.03. Possession of Adderall, other psychotropic drugs, and/or certain painkillers such as Hydrocodone, Oxycontin, or Percocet, without a prescription is a felony of the 3rd degree. For an adult, it is punishable by up to five (5) years in prison. Valium or the generic Diazepam is one of these controlled substances. Xanax is another.

NOTE: *Giving one pill that contains a substance controlled by section 893.03 to someone is a 2nd degree felony even if you receive nothing in return. As an adult it carries a fifteen (15) year prison maximum sentence.*

NOTE: *Giving someone one pill that contains a substance controlled by section 893.03 is a 1st degree felony if you are on school property or within 1,000 feet of any school property between the hours of 6:00 a.m. and 12:00 midnight (even if you receive nothing in return). As an adult, it carries thirty (30) years in prison maximum sentence.*

What Are Dangerous Drugs?

- Methamphetamines (Crystal Meth)
- Cocaine (Powder, Crack or Rock)
- Hallucinogens: LSD, Mushrooms, PCP
- Narcotics: Heroin, Opium, Morphine, Methadone
- Marijuana
- Club Drugs: GHB, Ecstasy
- Prescription drugs used illegally
- Psychoactive substances that mimic the effects of Cannabis, Cocaine or Ecstasy (previously sold over the counter)

Inhalants

It is illegal to sniff, inhale, ingest, or possess with intent to inhale harmful chemical substances such as glue or gasoline – “huffing” (s.877.111).

K2 and Spice

K2 and Spice are chemically engineered substances called synthetic cannabinoids. K2 or other synthetic drugs mimic the effects of alcohol and marijuana and can impair driving. It is a 3rd degree felony to purchase them, possess them, sell them, manufacture them, deliver them or possess them with intent to sell. Possession of three grams or less of synthetic cannabinoids is a 1st degree misdemeanor. If the synthetic cannabinoid is in powdered form, the penalty is different.

What Are the Laws Regarding Narcotics and Dangerous Drugs?

The following activities are illegal and dangerous:

- Sell counterfeit controlled substances (s.817.563, 831.31).
- Possess, use, sell, transport, give away, offer, arrange, or negotiate to sell any controlled substance (s.893.13).
- Ingest or possess with intent to ingest nitrous oxide (s.877.111).
- Drive on the highway or road while under the influence of drugs controlled by section 893.03 (s.316.193).
- Possess any instrument or means used to ingest or package an illegal drug when such ingestion or packaging was apparent (s.893.147).
- Make or use a false or changed prescription (s.831.02 and s.831.30).
- Plant, cultivate, harvest, or process marijuana or other drugs (s.893.13(1)(a)2).
- Sniff glue or cement with toluene (s.877.111).
- Encourage, try to sell, or force any minor to break any of the narcotic laws (s.827.04).
- Use dangerous drugs, unless a licensed person, usually a physician, prescribes them (s.893.13).
- Possession of more than 3 grams of synthetic psychoactive substances that mimic the effects of Cannabis, Cocaine or Ecstasy is a felony. If it is a synthetic cannabinoid only, then 3 grams or less is a 1st degree misdemeanor. K2, Spice and certain Bath Salts are some common street names (s.893.13(6)(b)).



NOTE: *Marijuana is composed of THC (a mind-altering ingredient), benzopyrene (causes cancer and is 70% higher in marijuana than in cigarettes), carbon monoxide (highly poisonous), hydro cyanic acid (poison gas), acetaldehyde (solvent), and tar (contains 50% more tar than a strong brand of tobacco cigarettes which causes lung cancer).*

TOBACCO

What Are the Laws about Tobacco?

If you are under the age of 18, it is against the law to do the following:

- Possess tobacco (s.569.11).
- Sell or give away any tobacco product to minors under the age of 18 (s.569.101).



On October 1, 1997, Florida State Statute 569.11 was created in order to take a strong stance against tobacco use among minors. The law makes it illegal for any person under the age of eighteen (18) to possess any tobacco product. Any person under the age of eighteen (18) cited for violating the law will be

- Assessed court fines which must be paid with 30 days after citation is dated or complete 16 hours of community service.
- Attend mandatory school-approved anti-tobacco program.

First Violation: court fines or 16 hours of community service hours and complete a school-approved anti-tobacco program. The fine must be paid within 30 days of the citation being written.

Second Violation: within 12 weeks of first violation, additional court fines.

Third Violation: within 12 weeks of first violation, driver's license is withheld, suspended or revoked.

PARTIES

If You Host a Party or If You Go to a Party

These activities may be considered disturbing the peace (s.877.03):

- Excessive rowdiness
- Fighting
- Loud music
- Keeping the party going too late



NOTE: *Parents or guardians may be held responsible for what goes on in their home — even if they aren't aware of a party being held in their absence.*

Can I Carry or Use a Gun?

If you're under the age of 18, you cannot do any of the following:

- Carry a loaded or unloaded firearm of any kind on you, in a vehicle, in a public place in a city, or in other county areas where it is forbidden (s.790.01 and s.790.22).
- Possess a firearm other than an unloaded one at your home, unless you are engaged in hunting or lawful marksmanship competition and are 16 years of age or older. If you are under 16, you must be supervised by an adult acting with the consent of your parent or guardian (s.790.22).



If the court adjudicates you delinquent of a felony act, you may not possess a firearm until you are 24 years old (s.790.23). If you are convicted of an offense that involves the possession or use of a firearm, law enforcement agencies may release your name for publication, even though you are a child (s.790.169).

Can Someone Give Me A Gun?

If you are under the age of 18, it is illegal for anyone to give you an air gun, a gas-operated gun, or a firearm without your parents' or guardians' permission. No one can sell or transfer a firearm to you, unless they have your parents' or guardians' permission (s.790.17).

- Even the least serious weapon-firearm offense can result in you spending up to twenty one (21) days in a secure juvenile detention facility. This is true even if it is your first offense.
- If you are adjudicated of any charge greater than this one, such as theft of a firearm, possession of a firearm at school, or displaying a firearm in a careless manner and you are not committed to a juvenile delinquency program, you will receive an additional fifteen (15) days in the secure juvenile detention facility as well as other minimum/mandatory penalties.
- The greatest charge where a firearm is involved such as robbery, aggravated battery, or attempted murder may carry very serious consequences, because the law states that you could be prosecuted as an adult.
- Murder can result in an indictment to adult court.

Where Can I Shoot or Not Shoot?

Shooting is not permitted in most areas. Check with county law enforcement to find out where you need owner permission and where you can shoot a firearm. However, no matter where you are

- You cannot shoot any firearm in any public place, or from or upon or over a public road or highway (s.790.15).
- You cannot shoot a firearm at, within, or into any building, or at, within, or into any occupied vehicle, vessel, train, or aircraft (s.790.19). This can result in a 2nd degree felony.

Other Weapons

A deadly weapon is any object that can be used to cause death or serious injury including an air gun.

If you possess a weapon on school property, you may be charged with a felony and expelled from school.

If you throw a deadly missile, such as a stone at an occupied vehicle or a house (occupied or not), you can be charged with a felony punishable by up to 15 years in prison as an adult.

10-20-LIFE

If you are age 16 or 17 and use or possess a gun during the commission of a serious felony, the law requires that you be prosecuted as an adult. The penalty can be 10 years in adult prison for possession, 20 years if the gun is fired, or 25 years to LIFE in adult prison if someone is shot and is seriously injured or killed (10-20-Life Law, Chap 2000).

The State Attorney may find exceptional circumstances in the case and file only juvenile charges [s.985.557(2)(d)].

BOMB/ARSON THREATS

It is a 2nd degree felony for any person to threaten to throw, project, place or discharge a destructive device with intent to do bodily harm to any person or damage to any property (s.790.162) and is punishable as provided in s.775.085, s.775.083, or s.775.084.

It is unlawful for any person to make a false report, with intent to deceive, mislead, or otherwise misinform any person, concerning the placing or planting of any bomb, dynamite, other deadly explosive, or weapon of mass destruction (s.790.166). Any person violating this subsection commits a felony of the 2nd degree, punishable as provided in s.775.082, s.775.083, or s.775.084.

NOTE: “My friends and I decided to call in a bomb threat to the school because we thought it would be ‘cool’ to get out of class.” The call maker and anyone who helps have committed a 2nd degree felony. If you are aware of who made a bomb threat and give that information to law enforcement, you are eligible for a \$5,000 reward if the information given leads to the arrest and conviction of any person violating this law.

PERSONAL CRIMES

Battery is any intentional and unwanted touching; most batteries involve hitting, pushing, or shoving (Chap. 784).

- Battery is a misdemeanor. If you commit battery against someone in your house, a judge may place you in secure detention for Domestic Violence.
- If you commit a second battery, you can be charged with a felony.
- If you use a weapon (even a pencil or pen) or seriously injure the victim, you may be charged with a felony.
- If you commit battery on a law enforcement officer, a school employee (including teachers and administrators), a pregnant person, or a person over the age of 65, the battery is a felony.

NOTE: *A victim of battery doesn't have to be harmed or injured. Any nonconsensual touching is sufficient to be considered battery.*

Assault is a physical or verbal threat to do violence to someone coupled with the ability to carry out the threat creating fear in the person you threatened that violence is about to happen.

If a weapon is involved, you may be charged with aggravated assault which is a felony (s.784.011 and s.784.021).

Stalking is maliciously and repeatedly following, harassing or cyber-stalking another person, causing substantive emotional distress. Making a credible threat with the intent to place a person in reasonable fear of bodily harm constitutes a felony (s.784.048).

SEXUAL OFFENSES

Sex or Sexual Battery commonly referred to as “rape” can occur in several ways:

- Sex without a person’s consent (s.794.011).
- Sex with a person who is not legally able to give consent (under the age of 16).
- It is unlawful for a person 16 years of age or older to have sexual intercourse with a person under the age of 16 (s.800.04).
- Similarly, it is unlawful for a person 24 years of age or older to have sexual intercourse with any person under the age of 18 (s.794.05).
- Any person 21 years old or older who impregnates a child under the age of 16 has committed a separate, additional felony (s.827.04).
- Touching the clothing above or the unclothed breast of a female under sixteen (16) years old, or touching the clothing above or the unclothed genital area or buttocks of a male or female less than sixteen (16) years old with any kind of sexual intent is a felony criminal offense (s.800.04).

Claiming that someone consented cannot be considered a defense for the above charges (except for sexual battery). Misrepresentation of age will not release you from the charge. If both parties are under the age of sixteen (16) and participate, then both parties are guilty of the offense and can be so charged.

Sex with someone under the age of twelve (12) is a capital felony and can result in mandatory life in prison.

NOTE: *Not knowing the partner’s age is NOT a defense!*

Sexting

Sexting for someone under 18 years old is unlawful and is the transmission by computer, cell phone, or any other electronic data transmission device any photograph or video of any person which depicts nudity, and is harmful to minors. Mere possession of these images is also Sexting, although there is a defense if three special conditions apply. Penalties for Sexting increase with each additional finding of guilt. See FS Section 847.0141. Charges for Sexting if you are 18 years or older have more severe consequences such as exposure to the Adam Walsh Act.

Adam Walsh Act

This new law was created in the 2007 Florida Legislative Session which is now contained in Florida Statutes Section 943.0435. It implements the Federal Adam Walsh Act and causes

certain juvenile sex offenders who meet certain criteria to be treated just like their adult counterparts. Their crime, biographical, and residential data will become public information. It requires them to register as sex offenders with the Sheriff's Office. Changes of address must be reported immediately. Failure to do so has delinquency/criminal penalties. Name, photograph, crime, and current residence will be accessible on the Internet and can be searched by everyone in the Sex Offender Search feature with FDLE. They will be required to maintain this status for life. One can apply after 25 years to be removed from this designation if they have not been arrested in the intervening years.

PROPERTY CRIMES

Criminal Mischief occurs when you damage someone's property on purpose (s.806.13). If the damage is greater than \$1,000, it is a felony (s.806.13).

NOTE: *"Egging" a car may damage the paint. A good paint job can easily exceed \$1,000 = FELONY!*

Grand Theft Auto (GTA) includes stealing a car OR driving a car stolen by someone else.

NOTE: It is a crime to be in a stolen car you know or reasonably should have known was stolen. This is true even though you had nothing to do with the theft. It's called trespass to a conveyance. If you do anything to help the original thief or the driver, you will become a principal to the theft. Help could be pumping gas or giving directions on where to go, etc.

Burglary occurs when you enter someone's house, storage shed, business, or vehicle without his or her permission, intending to commit another crime inside, such as theft, criminal mischief, assault, or battery (s.810).

NOTE: If you enter a motor vehicle or building of any type even if it is not occupied and steal anything that could be construed as a weapon, the law says you have committed an armed burglary. The crime is treated just as you had the weapon when you entered the vehicle or building. Armed burglary is a 1st degree felony punishable by life in prison. The stolen weapon could be a pocketknife, a box cutter, a baseball bat, or a screwdriver. It need not be a gun or a large knife.

Dealing in Stolen Property means selling or passing on any item that has been stolen, which he/she knew was stolen or should have known was stolen.

- If you possess recently stolen property and can't satisfactorily explain why, the law presumes that you knew or should have known it was stolen.

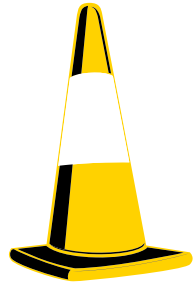
Theft occurs when you take someone's property without his or her permission, even if you're just borrowing it (Chap. 812).

- Petit Theft means the item is worth less than \$300. If it is worth less than \$100, then the crime is a 2nd degree misdemeanor. If it is worth \$100 or more, but less than \$300, then it is a 1st degree misdemeanor.
- Grand Theft means the item is worth \$300 or more. This is a 3rd degree felony.

You cannot "hold" stolen property. You need not be the one who stole it originally. Also, be aware of deals "too good to be true." They usually aren't. [s.812.022(3)].

TRESPASSING ON A CONSTRUCTION SITE

The site must have special warning "designated construction site" and anyone who trespasses commits a felony [s.810.09(2)(d)].



NOTE: You and your buddies get a 6 pack of beer and decide to drink it in a home that is under construction. There is no damage done in the home, but you are caught by the cops drinking in the pre-constructed home. You have committed a 3rd degree felony.

WRITTEN THREATS / CYBER BULLYING

It is a 2nd degree felony to write or compose (or send) a signed or anonymous letter (or communication) that contains a threat to kill or to do bodily injury to the person to whom such letter or communication is sent, or a threat to kill or do bodily injury to any member of the family of the person to whom such letter or communication is sent. The person so writing or composing and so sending or procuring the sending of such letter or communication, shall be guilty of a felony of the 2nd degree, punishable as provided in s.775.082, s.775.083, s.836.10 or s.775.084.

Online bullying, called cyber bullying, happens when teens use the Internet, cell phones, or other devices to send or post text or images intended to hurt or embarrass another person. Cyber bullying can range from rude comments to lies, impersonations, posting unauthorized pictures, and threats. Police are contacted if cyber bullying involves

- Threats of violence
- Extortion
- Obscene or harassing phone calls or electronic communication, such as emails, instant messaging or text messaging and/or other forms of electronic text transfer
- Harassment, stalking or hate crimes
- Child pornography
- Sexual exploitation
- Taking a photo image of someone in a place where they would expect privacy

COMPUTER CRIMES

Sending a letter or any inscribed communication to anyone threatening death or bodily injury to that person or any member of their family is a 2nd degree felony.

NOTE: Inscribed communication includes email, instant messaging, text messaging, a Facebook account and other forms of electronic text transfer. A later claim that “I didn’t really mean it” will have little effect on the outcome in court.

GANG ENHANCEMENT

If the court finds that the defendant committed the charged offense for the purpose of benefiting, promoting, or furthering the interests of a criminal street gang, the penalty may be enhanced by one level or as follows (s.874.04):

- 2nd degree misdemeanor punished as if it was a 1st degree misdemeanor.
- 1st degree misdemeanor punished as if it was a 3rd degree felony.
- 3rd degree felony punished as if it was a 2nd degree felony.
- 2nd degree felony punished as if it was a 1st degree felony.
- 1st degree felony punished as if it was a life felony.

NOTE: A gang is a group of three or more people who gather to commit a crime and designate themselves with a name, color, symbol, etc.

HATE CRIMES

If the court finds that the defendant committed the charged offense based on the race, color, ancestry, ethnicity, religion, sexual orientation, national origin, mental or physical disability or advanced age of the victim, the penalty may be enhanced by one level or as follows (Chap. 775.085):

- 2nd degree misdemeanor punished as if it was a 1st degree misdemeanor.
- 1st degree misdemeanor punished as if it was a 3rd degree felony.
- 3rd degree felony punished as if it was a 2nd degree felony.
- 2nd degree felony punished as if it was a 1st degree felony.
- 1st degree felony punished as if it was a life felony.

VIOLENT FELONIES

Included but are not limited to: arson, armed burglary, all sex crimes, robbery, aggravated assault and aggravated battery.

NOTE: Lighting paper towels and throwing them in a waste basket in the restroom at school can be ARSON, a 1st degree felony [s.806.01(1)(b)].

FLEEING & ELUDING

Fleeing and eluding is committed in any of the following ways:

- Willfully refuse or fail to stop for a marked vehicle with lights and sirens in use.
- Failure to stop your motor vehicle when law enforcement has directed you to do so.
- Engage in a high speed chase or reckless driving (a 2nd degree felony).
- Continue at a low speed without attempt of apprehension (a 3rd degree felony).
- Stop at a law enforcement command and then take off again.

DRIVING

Driving Is a Privilege....Don't Lose It.

Earning and keeping your driver's license is a responsibility, not only for yourself but also for the safety of others.

Driver's Education is a Continuing Education Process, Starting With

- 14 years old – Permitted to take a Traffic Law and Substance Abuse Education (TLSAE) course in preparation for applying for a Learner's Permit.
- 15 years old – Eligible to apply for a learners permit after successfully passing a written exam and completing TLSAE course. Supervised driving restricted to daylight hours for the first three months and only until 10 p.m., thereafter. Must be accompanied by a licensed front seat passenger over the age of 21 at all times.
- 16 years old – Must hold permit for 12 months and log 50 hours of practice driving, 10 of which must be at night to apply for a Restricted Operator License. Driving allowed between 6 a.m. and 11 p.m. All other times must be accompanied by a licensed driver at least 21 years old occupying the closest seat to the right of the driver, or be traveling to or from work.
- 17 years old – Driving allowed between 5 a.m. and 1 a.m. All other times must be accompanied by a licensed driver at least 21 years old occupying the closest seat to the right of the driver, or be traveling to or from work.

Traffic Conviction While on a Learner's License

A teen driver cannot apply for an Intermediate License for one year from the conviction date or until turning 18 years old, whichever happens first.

Violating Driving Curfews

Three points are applied to your license and citation fines are assessed.

Six Points on Driving Record Within a 12-Month Period

The teen's driving will be limited to "business purposes only" for 12 months or until the driver turns 18 years old, whichever happens first. The restriction is extended 90 days for each additional point during the restriction period.

School Truancy

Florida law requires each school principal or designee to notify the district school board of each minor student accumulating 15 unexcused absences in a period of 90 calendar days or who drop out of school. The Department of Highway Safety and Motor Vehicles may not issue a driver license or learner permit, or may suspend the driving privileges of any reported student until the student has satisfied regular school attendance requirements. A teen's license can be suspended for truancy and it will remain suspended until the student provides proof of school attendance for 30 consecutive days.

Drug, Alcohol and Tobacco Possession Convictions

If a teen under 18 years of age is convicted of possession of any narcotics or alcohol, his or her driver's license will be suspended from six months to one year for a first offense and two years for a second offense. Driver's license suspensions can result from possession of tobacco as well. Florida Statutes Section 322.056.

The Move Over Law Applies to Emergency Vehicles With Their Lights or Siren Engaged. As a Driver

- On a two-lane roadway, you are required to slow to a speed that is 20 miles per hour **less than** the posted speed limit.
- If the speed limit is 20 miles per hour or less, you must slow down to **five** miles per hour.
- If you are driving on an interstate or roadway with multiple lanes of travel in the same direction, and you approach an emergency or law enforcement vehicle parked along the roadway, you must vacate the lane closest to that vehicle **as soon as it is safe to do so**. If you are not able to safely move over, you must slow down to a speed of 20 MPH below the posted speed limit unless directed otherwise by a law enforcement officer.

CRIME & PUNISHMENT

CRIME	PUNISHMENT
POSSESSION OF DRUGS AND/OR ALCOHOL	Driver's License Suspension <ul style="list-style-type: none">• 6 months 1st offense• 2 years 2nd or subsequent offense
DNA SUBMISSION	Multiple charges (included, but not limited to Burglary, Sexual Battery, Robbery, Battery on Law Enforcement Officer, Resisting Arrest with Violence, etc)
GUN CHARGES	Up to 21 days and for some charges up to 30 days in secure detention pending a plea or trial 15 days in secure detention at sentencing (if adjudicated — Mandatory) 100 community service hours (Mandatory)
COURT FEES	Crimes Compensation Trust Fund \$50.00 (Mandatory)
CRIMES PREVENTION FUND	\$50.00 Felonies (Mandatory) \$20.00 Misdemeanors (Mandatory) Probation cost (\$1.00/day) Commitment Cost (minimum of \$5.00/day — up to \$50.00/day)
ADULT SENTENCING GUIDELINES	May take into consideration your prior 5 years
DIRECT FILE	Youth 14 years or older, and is charged with a violent felony Youth 16 years or older and charged with a felony...may even occur without a prior record
MISDEMEANOR CRIMES	Minimum of 6 months on Probation; maximum of 1 year on probation Minimum of 60 days in a residential program; maximum of 1 year in a residential program
FELONY CRIMES	Maximum of 5 years on probation Minimum of 6 months in a residential program; maximum of 5 years in a residential program

Fees are subject to change.

MANDATORY CONSEQUENCES

Drugs and Alcohol

- Driver's License Suspension
- 6 months 1st offense
- 2 years 2nd or subsequent offense

DNA Submission

- Multiple charges (see page 9 for examples)

Gun Charges

- Up to 21 days and for some charges up to 30 days in secure detention pending a plea or trial
- 15 days in secure detention at sentencing (if adjudicated)
- 100 community service hours

Fees

- Crimes Compensation Trust Fund \$50.00
- Crimes Prevention Fund
 - \$50.00 Felonies
 - \$20.00 Misdemeanors
 - Probation cost (\$1.00/day)
 - Commitment Cost (minimum of \$5.00/day—up to \$50.00/day)

Adult Sentencing Guidelines

- May take into consideration your prior 5 years

Direct File

- Youth 14 years or older and is charged with a violent felony
- Youth 16 years or older and charged with a felony... may even occur without a prior record



FUTURE CONSEQUENCES

How an arrest and/or a conviction can affect your application process to future jobs/careers...

Armed Forces:

1. **USMC:** Any misdemeanor or felony requires a waiver, which can result in limited Military Occupation Specialist (MOS) options also affecting money.
2. **Army:** Use own guidelines with misdemeanors depending on nature of charge. Two or more misdemeanors require a waiver which can result in loss of MOS options. All felonies require a waiver limiting MOS options.
3. **National Guard:** Same as Army.
4. **Navy:** All felonies require a waiver. More than 6 misdemeanors charges or convictions also require a waiver.
5. **Air Force:** All applicants go through the National Crime Center. No felonies are accepted. Also, no adverse adjudication is accepted. All misdemeanors require a waiver. A shoplifting charge will keep you out of the Air Force.

Lake-Sumter Community College: As an open door institution, accepts students who have a standard high school diploma or General Equivalency Diploma (GED); however, the college reserves the right to deny admission to any applicant who has been convicted of a crime. Certain programs, such as Nursing, Criminal Justice, and Early Childhood Education require criminal background checks and will not admit applicants with a criminal history.

University of Miami: Each student evaluated on an individual basis. If there are discipline questions, an investigation/clarification follows. Dean of Students' Office makes the final decision.

University of South Florida (USF): Depending on circumstances, applicant is referred to a process of "Prior Conduct" to determine if restrictions are needed or denial is warranted. Seriousness of the crime/appropriateness/danger to the community determines personal interview before final decision.

University of Florida: Each student evaluated on an individual basis. If there are discipline questions, an investigation/clarification follows and an interview may be scheduled. Acceptance based on seriousness of crime, frequency and what effect the applicant would have on the safety of the community.

Florida Southern: Applications reviewed on an individual basis and interview arranged if needed. Arrests or convictions do not preclude acceptance but depends on what/frequency/track record.

Florida State University: Questions regarding discipline referred to Review Committee. Offenses in high school are usually cleared. If not an appeal process can be used. Dishonest answers to disciplinary questions are harder to overcome. Depending on nature and circumstances, applicants with drug and alcohol abuse, and sexual crimes may be accepted. As a rule, applicants with a history of drug dealing and sexual crimes are not accepted.

University of Central Florida: Applicants with offenses ranging from minor to major offences may be accepted, depending on nature and circumstances. Recommendations for admissions are made from Admissions Office and forwarded to the applicant's program of choice where the final decision is made. Recommendations not to accept are based on seriousness of the crime.

Lake Technical Center:

1. **Fire Academy:** All felony convictions or convictions of moral turpitude (bad checks, child abuse, spouse abuse, sex offenders) will prevent acceptance. Also considered are DUIs or suspended driver's license offenses in the past three years.
2. **Law Enforcement and Corrections:** Any charge of moral turpitude or any felony would disqualify a student. Battery or DUI charges will keep you out regardless of prosecution. Some cases are presented to FDLE for a recommendation. Also, there is a list of misdemeanors that will keep you out.
3. **Cosmetology:** There are no checks on applicants.
4. **EMT/Paramedic/Nursing:** They do a background check. They do not accept any type of drug charge or abuse. If it is a driving violation, they consider based on number of points. Most of the time, they encourage anyone with a felony to contact the state licensing board and the hospitals in the area where they want to work and ask for a decision ahead of time. (Example: Would they allow this person to take the boards or would they consider hiring this person given their circumstances?)
5. **Child Care Licensing:** Florida Statutes Paragraph 409.175(2)(i) says juvenile family members between the ages of 12 and 18 years old of someone applying for a child care license shall have their delinquency records screened in the application.

When applying for a child care license, the state has the right to check all family members including those between the ages of 12-18 years old (s.409.175(2)(i)).

Florida Statutes Sections 435.04 and 435.05 say all applicants for a position designated by law as a position of trust or responsibility require Level 2 screening and will have their juvenile records searched.

DON'T LET THIS BE YOU

...know the law, make the right decisions. There is help and information available to keep you on the right track.



LOCAL RESOURCES

Child Abuse Hotline	800-962-2873
Dept. of Juvenile Justice (Lake County)	352-383-1377 or 352-383-3791
Haven of Lake & Sumter Counties (Domestic Violence).....	352-787-1379
Lake County Law Enforcement:	
Emergencies.....	911
Astatula PD	352-742-2422
Clermont PD.....	352-394-5588
Eustis PD	352-483-5400
Fruitland Park PD	352-360-6655
Groveland PD	352-429-4166
Howey PD	352-324-2030
Lady Lake PD.....	352-751-1565
Leesburg PD	352-787-2121
Mascotte PD.....	352-429-3111
Mount Dora PD.....	352-735-7130
Sheriff's Office	352-343-9500
Tavares PD.....	352-742-6200
Umatilla PD	352-669-3561
LifeStream Behavioral Center	
24-Hour Access Center Emergency Service	866-355-9394
National Runaway Hotline	800-786-2929
Sexual Assault Hotline (<i>Lake County</i>).....	352-787-1379
State Attorney's Office (<i>Fifth Judicial Circuit</i>).....	352-742-4236
Suicide Hotline.....	800-784-2433 or 800-999-9999
The Connection Helpline (<i>Lake County</i>)	352-483-2800 or 800-351-8082

To locate additional local, state or national resources, go to
www.LCCRG.com or call 352-483-2800 or 800-351-8082

REMEMBER:

IT IS YOUR RESPONSIBILITY TO KNOW THE LAW.



**IGNORANCE
DOES NOT
EQUAL INNOCENCE**

A Collaborative Project of
LAKE COUNTY SHARED SERVICES NETWORK



CONTRIBUTING PARTNERS



United Way
of Lake & Sumter Counties, Inc.



**ADMINISTRATIVE OFFICE
OF THE COURTS**



**LAKE COUNTY
FLORIDA**

